

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
(AT AUSTIN)

FILED

AUG - 7 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY TW DEPUTY

BROWNSVILLE EMERGENCY  
PHYSICIANS GROUP, LLC,  
STEPHEN MILLER, and  
HARRY STOKES

Plaintiffs

Vs.

BRENDAN WORTHINGTON, individually  
and d/b/a ATLAS IP HOLDINGS, LLC;

MICHELLE WORKINGTON;

DALTON MENZIES, individually  
and d/b/a/ HAMILTON COMMODITIES  
GROUP, LLC;

TONYA MENZIES, individually  
and d/b/a HAMILTON COMMODITIES  
GROUP, LLC;

RALPH CROWELL, individually  
and d/b/a GLINES & RHODES, Inc.;

MATTHEW COLE, individually  
and d/b/a THE LONG AND SHORT  
OF IT, LLC;

BRIAN LIGHT, individually  
and d/b/a PRECIOUS METALS AND  
GEMS/PMI REFINERS (PMG);

ALBERTO PAVAN, individually  
and d/b/a MULTIBUSINESS 360 SRL;

FAUSTO CALETTI, individually  
and d/b/a JCG GLOBAL BUSINESS  
PARTNERS, LLC;

CALOGERO ENEA, individually  
and d/b/a JCG GLOBAL BUSINESS  
PARTNERS, LLC;

KARMY KAYS, individually  
and d/b/a JP MORGAN CHASE;

Civil Action No. A-14-cv-0568-SS

JOHN ELIAS, individually	§
and d/b/a JOHN L. ELIAS	§
AND ASSOCIATES;	§
	§
NASH NIMSONS, individually	§
and d/b/a PLANWELL EUROPE	§
LIMITED, and	§
	§
KAPIL KHURANA, individually	§
and d/b/a BARCLAY'S BANK PLC.	§
	§
Defendants,	§

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**DEFENDANT DALTON MENZIES' ANSWER TO COMPLAINT**

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**DEFENDANT DALTON MENZIES' ANSWER TO COMPLAINT**

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Now comes, DALTON MENZIES, (hereinafter "DALTON") appearing in a Pro'Se capacity pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") Rule 8(b) in answering ("answer") to the Plaintiff(s)' Original Complaint ("Complaint") (See; Doc. 1) and the Amended Complaint (See; Doc. 6).

**I: JUDICIAL REQUEST**

Due to the Pro'Se nature of this filing, DALTON respectfully requests that the Court provide a less stringent standard of review when examining DALTON's attempts at case citing, rules, and procedures, including the legal syntax; (See; Haines Vs. Kerner, 406 U.S. 519, 520 (1979)).

**II: STANDARD OF REVIEW FOR PLEADING**

Rule 8 of the Fed. R. Civ. P. governs the pleading of both the plaintiff(s) and the defendant(s) in a civil cause of action. Among the rules for claims for relief (See; Rule 8(a)) are the requirements for a plaintiff(s) to declare in a short and plain statement, the grounds for the Court's jurisdiction in its pleading; (see; Rule 8(a)(1)).

In addition, Rule 8(b) requires that:

- (1). "In General. In responding to a pleading, a party must:
  - (A) state in short and plain terms its defense to each claim asserted against it; and
  - (B) admit or deny the allegations asserted against it by an opposing party..." and
- (5). "Lacking Knowledge or Information: A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial."  
(See; Birl Vs. Estelle, 660 F. 2d 592, 593 (5th Cir. 1981); Martinez Vs. Bally's Louisiana, Inc., 244 F. 3d 474, 476 (5th Cir. 2001)).

**III: STATEMENT OF FACT RELATED TO DEFENDANT  
DALTON'S ANSWER**

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- 1). DALTON has been in continuous custody of the Federal Bureau of Prisons (the "BOP") since December 9, 2004; (See; Exhibit A, p. 1 at Jail Credit) (Exhibit A, p. 2 at Date Sentenced - November 1, 2005) and (Exhibit A, p. 3 at Statutory Release Date Projected: May 24, 2015).
- 2). Brendan Worthington, ("BRENDAN") was convicted of a fraud-type violation of Federal criminal statute. BRENDAN served a term of imprisonment beginning on or about 2005.
- 3). Stephen Miller ("MILLER") was convicted and sentenced [before this Court] United States District Court for the Northern District of Texas for the violation of 26 U.S.C. § 7201 (i.e., Tax Evasion). MILLER served a term of forty-six (46) months beginning in September of 2006 and a term of supervised release thereafter; (See; Exhibit B).
- 4). Tonya Menzies ("TONYA") made an initial filing with the Texas Secretary of State to form Hamilton Commodities Group, LLC ("HAMILTON"), and LLC., on July 25, 2008; (See; Exhibit C, pp. 1-3). In this filing, TONYA (Managing Member 1) is listed as the sole "governing person" of the LLC; (See; Exhibit C, at p. 2). TONYA subsequently filed Hamilton's Texas Franchise Tax Returns for 2009 and 2010; (See; Exhibit C, pp. 4 & 5) and executed said tax returns as the "President." The Texas's Secretary of State issued a Forfeiture Notice under section 171.302 to forfeit the charter, certificate, and registration of TONYA's company on January 28, 2011; (See; Exhibit c, p. 6).
- 5). Michelle Worthington ("MICHELLE") made an initial filing with the Texas Secretary of State to form Atlas IP Holding, LLC ("ATLAS"), a domestic limited liability company (an "LLC") on November 19, 2009; (See; Exhibit



D, pp. 1-3). In this filing [both] MICHELLE (Managing Member 1) and BRENDAN (Managing Member 2) are listed as the legally joint "governing persons" of the LLC; (See; Exhibit D, p. 2). MICHELLE subsequently filed Texas Franchise Tax Returns for 2010 and 2012; (See; Exhibit D, pp. 4-5). MICHELLE signed said tax return as a [partner] in the LLC. No return was filed in 2011. The Texas Secretary of State issued a Forfeiture Notice under section 171.302 to forfeit the charter, certificate, and registration of MICHELLE and BRENDAN's company, i.e., ATLAS on July 17, 2012; (See; Exhibit D, p. 6).

- 6). Both MILLER and BRENDAN were in the custody of the United States Department of Justice and incarcerated together for a period of approximately 3 years at the Federal Bureau of Prisons' F.C.I. Beaumont Unit located in Beaumont, Texas.

**IV: DEFENDANT DALTON'S ANSWER TO THE COMPLAINT.**

**A: VENUE AND JURISDICTION:**

7. Defendant DALTON **admits** that the District Court is the [proper venue] for the civil complaint concerning the subject matter under 28 U.S.C. §1391(b)(2); (See; Complaint, Doc. 1, p. 3 at ¶1, and Doc. 6, same).

8. Defendant DALTON **denies**, however, that the District Court has [jurisdiction] over the subject matter for the following reasons on the basis of law or fact:

9. In BROWNSVILLE EMERGENCY PHYSICIANS GROUP, LLC. and STEPHEN MILLER's ("MILLER") Complaint, the plaitiff(s) allege that BRENDAN WORTHINGTON, individually and operating as a d/b/a under ALTAS IP HOLDING, LLC. ("BRENDAN and ALTAS, respectfully) had approached, solicited a business plan, and entered into an Investment Agreement with MILLER for an investment in Raw Gold; (See; Complaint, Doc. 1, at ¶32-34 and Doc. 6, same).

10. Plaintiff(s) also alleges that BRENDAN'S solicitation was done with "malice aforethought" because the investment opportunity was, in reality, only a way for "[A]tlas with the intent and for the sole purpose to defraud MILLER of \$615,000 and to do the same to other investors similarly situated;" (See; Complaint, Doc. 1, at ¶48 and Doc. 6 at ¶53).

11. Plaintiff(s) seeks relief in the form of an injunction against defendant JCG GLOBAL BUSINESS PARTNERS, LLC. ("JCG"), various civil monetary remedies, and also **criminal penalties** under 18 U.S.C. § 1963 concerning these allegations; (See; Complaint, Doc. 1 at ¶16 and Doc. 6 at ¶17).

12. Plaintiff(s) Complaint confers jurisdiction by stating that:

2. "[T]his Court has jurisdiction of Federal claims pleaded under 18 U.S.C. § 1343, and 18 U.S.C. § 1348 and 1349."
3. "[T]his Court has jurisdiction of Federal claims pleaded under 18 U.S.C. §1963, and supplemental jurisdiction over state law and common law claims pursuant to 28 U.S.C. § 1367." (See; Complaint, Doc. 1 at ¶2 & 3 and Doc. 6, same)

13. However, "[A] private party has [NO] right to enforce criminal statute;" (See; Bacawajder Vs. Jacobs, 220 F. 3d 586, 2000 WL 960065 at \*1 (5th Cir. 2000) (citations omitted and emphasis and underline added); accord Diamond Vs. Charles,  
 -1-  
 476 U.S. 54, 64-65, 106 S. Ct. 1697, 90 L. Ed. 2d 48 (1986). Thus, plaintiff(s)' "conclusory allegations" that a defendant(s) violated a criminal statute are "[i]nsufficient for the purposes of stating a claim on which relief may be granted;" (See; Mamer Vs. Collie Club of America, Inc., 229 F. 3d 1164, 2000 WL 1114237 at \*2 (10th Cir. 2000).

14. Plaintiff(s) [DO NOT] have standing to institute criminal proceedings through a civil cause of action. Any criminal statutes used to establish the claim(s) in the Complaint(s), which seeks both criminal sanctions (18 U.S.C. § 1963) and civil remedies must be dismissed on the basis of law or fact; (See; Abdelsamed Vs. United States, No. 01-N-1774, 2002 U.S. Dist. LEXIS 20452); aff'd 80 Fed. Appx. 90, 2003 WL 22464005 (10th Cir. 2003).

15. Furthermore, to the extent that plaintiff(s) are seeking damages and other civil remedies based on BRENDAN's and/or ATLAS's alleged violation of 18 U.S.C. § 1343, 18 U.S.C. § 1348 and § 1349, or 18 U.S.C. § 1963, they:

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Footnote 1: See also Cok Vs. Cosentino, 876 F. 2d 1, 1 (1st Cir. 1989)("[A] private citizen has no authority to initiate a federal criminal prosecution."); Mamer Vs. Collie Club of Am., Inc., 229 F. 3d 1164, 1164 (10th Cir. 2000)("[P]rivate citizens cannot prosecute criminal actions."); Higgins Vs. Neal, 52 F. 3d 337, 337 (10th Cir. 1995) ("[C]ourts universally endorse the principle that private citizens cannot prosecute criminal actions."); Am Postal Workers Union Vs. Ind. Postal Systems of America, Inc. 481 F. 2d 90, 93 (6th Cir. 1973)("[T]here exists a firmly established principle that criminal statutes can only be enforced by the proper authorities of the United States Government and a private party has no right to enforce these sanctions."); and Conn. Action Now, Inc. Vs. Roberts Plating Co., 457 F. 2d 81, 86-87 (2nd Cir. 1972)("[I]t is truism, and has been for decades, that in our federal system crimes are always prosecuted by the Federal Government, not as has sometimes been done in Anglo-American jurisdictions by private complaints.")

"[p]resent no authority finding an implied private cause of action... the cited criminal statute []. The [statutes are] singularly criminal in nature and offer(s) nothing from which to infer an available civil remedy. The Supreme Court has cautioned against entertaining private causes of action based on '[a] bare criminal statute, with absolutely no indication that civil enforcement of any kind was available to anyone;' (See; King Vs. Keller, No. 06-4001-SAC, 2006 U.S. Dist. LEXIS 35791, 2006 WL 1517765, at \*6 (D. Kan., May 30, 2006); aff'd 211 Fed. Appx. 764, 2007 WL 39208 (10th Cir. 2007)(quoting Cort Vs. Ash, 422 U.S. 66, 80, 95 S. Ct. 2080, 45 L. Ed. 2d 26 (1975)(additional internal quotation omitted); accord Walsh Vs. Krantz, No. 1-07-cv-0616, 2008 U.S. Dist. LEXUS 44204, 2008 WL 2329130, at \*4 (M.D. PA., June 4, 2008).

16. Thus, "[f]ederal courts have generally refused to recognize private causes of action derived from criminal statutes;" (See; Koreny Vs. Department of Sanitation, 699 F. Supp. 368, 397 (E.D. NY., 1988)(citation omitted); Hamrick Vs. Bush, No. 04-5316, 2000 U.S. App. LEXIS 2070, 2006 WL 1524593, at \*1 (D.C. Cir. 2006); Air Trans Inc. Vs. U.S. Mead, 389 F. 3d 594, 597 N.l (6th Cir. 2004); Federal Sav. & Loan Ins. Corp., Vs. Reeves, 816 F. 2d 130, 137-38 (4th Cir. 1987); and Parker Vs. Blake, No. 08-164, 2008 U.S. Dist. LEXIS 66336, 2008 WL 4092070, at \*3 (W.D. LA., August 29, 2008)(Trimble, J).

17. Further, DALTON contends plaintiff(s) maintain the claims premised on the following criminal statutes:

STATUTE	CRIMINAL VIOLATION	COMPLAINT's CITINGS
18 U.S.C. §1343	Wire Fraud	¶51
18 U.S.C. §1348	Secutitites & Comm. Fraud	¶56-58 & ¶69-71
18 U.S.C. §1349	Attempt & Conspiracy	¶52-55 & ¶59-60
18 U.S.C. §1963	Criminal Penalties	¶61-67 & 68

\*Jurisdiction citation under ¶2 & ¶3 of Complaint, Doc. 1 and Doc. 6 same.

As stated, "[a] private party has [NO] right to enforce criminal statute;" (See; Jacobs, supra at ¶13); nor, do the criminal statutes at issue for jurisdiction provide for a private right of enforcement; (See; Three Rives Ctr. for Ind.

Living Vs. Hous. Auth., 382 F. 3d 412, 430 (3rd Cir. 2004)("[A] court must look to the text of the statute to see if it states, by its terms, that a private party may bring suit to enforce it"); Barr Vs. Camelot Forest Conservation Ass'n, 153 F. Appx. 860, 862 (3rd Cir. 2005)(affirming the dismissal of the federal criminal statutes claims because the statute in question "[a]re not criminal offenses for which there is no civil remedy, and therefore [plaintiff] lacks standing to bring them.").

18. Accordingly, plaintiff(s)' allegations that defendant(s) violated 18 U.S.C. §1343, 18 U.S.C. §1348, 18 U.S.C. §1349, and 18 U.S.C. §1963 should be dismissed with prejudice as legally frivolous; (See; Bui Phu Xuan Vs. Fort Worth Star-Telegram, 277 Fed. Appx. 452, 2008 WL 1976630, at \*1,3 (5th Cir. 2008); Parker 2008 U.S. Dist. LEXIS 66336, 2008 WL 4092070, at \*3 (5th Cir. 2008).

19. Lastly, plaintiff(s) have also cited 28 U.S.C. § 1367 for the Court's jurisdiction. This supplemental jurisdiction over [state law] and [common law fraud] claims is without merit. Plaintiff(s) allegation(s) are based upon a breach of fiduciary duty or fraud committed by BRENDAN. However, under Texas Civil Practice & Remedies Code § 16.004 (Supp. 2000), a four-year statute of limitations applies; (See; e.g., Advocard Int'l LP Vs. Horizon Labs, Inc., 524 F. 3d 679 at 670 (5th Cir. 2008).

20. MILLER asserted that he entered into an "Investment Agreement" in May of 2009 with BRENDAN. This agreement required MILLER to make a \$515,000 investment; (See; Complaint, Doc. 1 at ¶34 and Doc. 6 at ¶35). MILLER stated that [this]

Footnote 2: See also Am. Tel. & Tel. Co. Vs. M/V Cape Fear, 967 F. 2d 864, 869 (3rd Cir. 1992)("[C]ongress punishes breaches of duties embedded in criminal statutes, but punishment does not require implication of a private enforcement remedy in every instances."); Am Postal Workers Union Vs. Ind. Postal Sys of Am., 481 F. 2d 90, 93 (6th Cir. 1973)("[T]he general rule is that a private right of action is not maintainable under a criminal statute.").

funding was completed in November of 2009; (See; Complaint, Doc. 1 at ¶35).

21. MILLER filed the civil action on June 18, 2014. Thereby, in order to have jurisdiction, the alleged fraud or breach of fiduciary duty must have occurred between June 18, 2010 and June 18, 2014 under Texas state law. MILLER asserted that BRENDAN had provided him two "assay statements" - one in "August of 2009" and one in "January of 2010." MILLER then asserted that the "[m]issing assay statements [ALARMED] MILLER; (See; Complaint, Doc. 6 at ¶36 and Doc. 6, same).

22. Under Federal law, the general accrual rule is that "[a] cause of action accrues when the plaintiff(s) is in possession of the critical facts and knows or has reason to know of the injury which is the basis of the action;" (See; Moore Vs. McDonald, 30 F. 3d 616, 620-21 (5th Cir. 1994); Burns Vs. Harris County Bail Bond Bd., 139 F. 3d 513, 518 (5th Cir. 1998); and Jenson Vs. Snellings, 841 F. 2d 600, 618 (5th Cir. 1988)("under Federal law, the limitations period commences when '[t]he aggrieved party has either knowledge of the violation or **notice of facts** which, in the exercise of due diligence, would have led to actual knowledge thereof;" (quoting Davis Vs. A.G. Edwards & Sons, 823 F. 2d 105, 107 (5th Cir. 1987)).

23. MILLER knew or should have known as late as January of 2010 that BRENDAN or ATLAS was not complying with either the "Business Plan" and/or the "Investment Agreement" by not providing assay statements. This knowledge asserted by MILLER (See; Complaint, Doc. 1 at ¶36 and Doc. 6, same) was at least four years and six months (4 years and 6 months) before Plaintiff(s) filed a cause of action. Thereby the District Court does not have jurisdiction under 28 U.S.C. §1367 for supplemental jurisdiction over [state law] - and - [common law fraud] and the action must be dismissed with prejudice. 28 U.S.C. § 1367 does not hold that jurisdiction is conferred in regards to [state law] - or - [common law fraud]. Both are joined together as a whole for the purposes of reviewing claims under [state law].

**B: MILLER AND BRENDAN VIOLATED THE FEDERAL RULES OF PROCEDURE BY THEIR ENTERING INTO A FINANCIAL INVESTMENT AGREEMENT WHILE UNDER THE AUTHORITY OF THE UNITED STATES ATTORNEY GENERAL FOR THEIR FEDERAL CONVICTIONS. MILLER WAS AWARE OF BRENDAN'S PRIOR FRAUD CONVICTION WHEN HE ENTERED INTO THE INVESTMENT AGREEMENT.**

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24). Under contractual law, a party has a right to expect the terms under the contract will be honored by all parties. A party also has the right to negotiate, agree to, and execute a legally binding contract. However, there are circumstances under which a party [DOES NOT] have a right to enter into [ANY] legally binding contract - e.g., A minor child under eighteen (18) years of age; a person who has been declared mentally incompetent; etc.

25). Thus, in the case at bar presently, the Complaint stated that "BRENDAN approach MILLER" and that "MILLER first met BRENDAN in March of 2009;" (See; Complaint, Doc. 1, at ¶32 and Doc. 6, same). **This statement is false and is mis-leading.** As stated, BRENDAN was convicted and sentence for violations of Federal criminal statute for fraud-type offenses on or about 2005. Also, MILLER was convicted and sentenced (by this Court) to a term of imprisonment of forty-six (46) months for tax evasion in 2006; (See; Exhibit B). Both BRENDAN and MILLER were incarcerated together at the BOP's FCI Beaumont Correctional Institution for approximately three (3) years. By virtue of prison life (close proximity of living quarters, common dining hall, rotating work details, recreation activity, family visitations facilities), it would be reasonable to believe, and easy for witnesses to corroborate, that during their three (3) years at FCI Beaumont together, they became acquaintances and friends far before the March 2009 cited by MILLER.

26). When a defendant is convicted of a Federal criminal violation of law, the defendant loses his right to "[c]onduct a business," or enter into, or in "[d]irecting an investment transaction without BOP staff written authorization;

(See; Title 28 - Judicial Administration - Chapter V; Bureau of Prisons, Dept. of Justice - Subchapter C - Institutional Management) where it states under

**PART 540.14. Contract with Persons, Subpart B:**

- (4) "[D]irection of an inmate's business (See; §541.13, Prohibited Acts No. 408). An inmate, unless a pre-trial detainee, may not direct a business while confined;"

**PART 540.45. Qualifications:**

- (a) "[E]xcept for pre-trail inmates, an inmate is not permitted to engage actively in a business or profession. An inmate who was engaged in a business or profession prior to commitment must assign authority for the operation of such business or profession to a person of the community;" and

**B.O.P. PROGRAM STATEMENT OPI: CPD/CSB NUMBER 5270.09.**

#334). Conducting a Business:

"[P]rohibited acts include conducting or directing an **investment transaction** without staff authorization."  
(Emphasis and underline added)

27). Thereby, when MILLER, acting on behalf of BROWNSVILLE EMERGENCY PHYSICIANS GROUP, LLC and MILLER's Children Trust Acacia Properties (See; Complaint, Doc. 1, at ¶34 and Doc. 6, ¶35), and BRENDAN entered into the investment transaction [without] the right to do so, based on the fact that both individuals were under the authority of the United States Attorney General either by being incarcerated directly or under the supervision of the United States Probation Office. Both require, by law, that these supervision authorities give written consent for allowing the party(s) to execute a legally binding contract.

28). Without written consent from the supervising authority (i.e., the BOP staff's case manager, warden, etc; or the Probation Officer), not only [DID] MILLER and BRENDAN lack standing to enter into a legally binding contract; but, now, plaintiff(s) lack standing to back an action for remedy because the contract in question is, "Void AB Initio" and the provisions for remedy declared moot on the basis of law or fact. In addition, both MILLER and BRENDAN as "convicted felons" are not permitted to have contact, associate, or conduct a business type



transaction under the conditions of their supervised release without written permission from their Probation Officer.

29). MILLER asserted that he became "ALARMED" (See; paragraph 21, supra) when BRENDAN failed to provide the necessary "assay statements." However, MILLER knew that BRENDAN was a fraudster and a convicted fellow [BEFORE] he had entered into the "Investment Agreement" in May of 2009; (See; Complaint, Doc. 1, at ¶34 and Doc. 6, same). MILLER, who should have been hyper-vigilant in his dealings with BRENDAN, and failing to exercise [ANY] due diligence, foreclosed his right to cry foul some five (5) years later in the filing of this cause of action on July 3, 2014.

C: PLAINTIFF(S) HAVE NOT MET THEIR OBLIGATIONS UNDER FED. R. CIV. P. RULE 12(b)(6) WHERE PLAINTIFF(S) MUST PLEAD ENOUGH FACTS TO FURTHER ESTABLISH A CLAIM AGAINST DEFENDANT DALTON (PERSONALLY) IN ORDER TO HAVE RELIEF.

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30). Beyond the lack of jurisdiction cited above, plaintiff(s) have not met their obligation under Fed. R. Civ. P. Rule 12(b)(6) in order to obtain relief. Under Rule 12(b)(6), the "[c]ourt accepts '[a]ll well-pleaded facts as true' viewing them in the light most favorable to the plaintiffs; (See; Martin K. Eby Constr. Co. Vs. Dallas Area Rapid Transit, 369 F. 3d 464, 467 (5th Cir., 2004)(quoting Jones Vs. Grenenger, 188 F. 3d 322, 324 (5th Cir., 1999)). To comply with Rule 12(b)(6), plaintiff(s) must plead "[e]nough fact to state a claim for relief that is plausible on its face;" (See; Bell Atl. Corp. Vs. Twombly, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007). That "[d]emands more than an unadorned, the defendant-unlawfully-harmed-me-accusation;" (See; Ashcroft Vs. Iqbal, 556 U.S. 662, 129 S. Ct. 1937 173 L. Ed. 2d 868 (2009). "[F]actual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact);" (See; Twombly, 550 U.S. at 555)(citation and footnote omitted). "[A] claim has facial plausibility when the plaintiff plead factual content that allows the Court to draw the reasonable inference that the defendant is liable for the misconduct alleged; (See; Iqbal, 129 S. Ct. at 1949)(emphasis and underline added). It therefore follows that mere allegations do not permit the court to infer more than the possibility of misconduct of a defendant as alleged in the Complaint; but, it has not "[s]hown" - "[t]hat the pleader is entitled to relief because the defendant is [NOT] liable; (See; Id. at 1950)(Quoting Fed. R. Civ. P. Rule 8).

31). With the above cited legal background, plaintiff(s) have not demonstrated or established a factual claim for relief with reference to defendant DALTON

for the following reasons: The Complaint alleged these facts:

- 1). "[Defendant HAMILTON COMMIDITY GROUP, LLC (HAMILTON) is registered in Texas and a commodity contracts broker/dealer for ATLAS;"  
(See; Complaint, Doc. 1 at ¶7 and Doc. 6, same)
- 2). "[D]efendant DALTON MENZIES (DALTON) is a principal of HAMILTON;"  
(See; Complaint, Doc. 1 at ¶8, Doc. 6, same)
- 3). "[H]AMILTON forwarded MILLER an account summary which detailed an investment account of \$712,633.50 and purported initial funding investments from multiple investors;" and  
(See; Complaint, Doc. 1, at ¶37 and Doc. 6 at ¶38)
- 4). "[S]ometime in 2011 defendant [] DALTON wound-up HAMILTON and closed its doors. HAMILTON has since been incommunicado."  
(See; Complaint, Doc. 1, at ¶44 and Doc. 6 at ¶48)

32). In the sixteen (16) pages of the Original Complaint and in the twenty (20) pages of the Amended Complaint, these are the only alleged factual claims made of HAMILTON and/or DALTON - three of HAMILTON and two of DALTON. These claims [**DO NOT**] allege any violations of law; nor, do they establish any fraud on the part of either HAMILTON, or, in particular - DALTON personally (as an individual).

33). In addition, MILLER alleged that it was BRENDAN who proffered that once the "assayed gold" was released it would be transferred to HAMILTON; (See; Amended Complaint, Doc. 6 at ¶33). MILLER [**DOES NOT**] allege that HAMILTON had provided him with that scenario. In fact, it was "[A]TLAS that forwarded MILLER a model scenario to further delineate how the investment was to be managed;" [**NOT**] - HAMILTON or DALTON (Individually) (See; Amended Complaint, Doc. 6 at ¶33).

34). Beyond the fact that plaintiff(s) [**DO NOT**] provide evidence that HAMILTON violated any laws or allegedly committed any fraud, is the reality that DALTON (Individually) was [**NOT**] a principal, owner, shareholder, or director of HAMILTON - at any time. In evidence to that fact, the Texas Secretary of State public records reveals that DALTON was [**NOT**] engaged with HAMILTON as the

plaintiff(s) falsely content in their Complaint(s); (See; Exhibit C, pp. 1-3 also see; paragraph four, supra).

35). In addition, in HAMILTON's filings of the Texas Franchise Tax Return, they only contain the name and signature of TONYA - not those of DALTON; (See; Exhibit C, pp. 4&5) and paragraph four, supra). In fact, plaintiff(s) merely allege that DALTON was a principal of HAMILTON; (See; Complaint, Doc. 1 at ¶8 and Doc. 6, same). However, plaintiff(s) have failed to present a factual claim for which either liability and/or relief could be provided; (See; Collie Club of America, Inc., supra, at ¶13)("conclusory allegations" that a defendant(s) violated a criminal statute are "[i]nsufficient for the purposes of stating a claim on which relief may be granted"). Plaintiff provided no record evidence that DALTON (individually) was ever a "principal" or otherwise, in any capacity, concerning HAMILTON (e.g., signer or co-signer of bank accounts, contracts, official documents, company correspondences, letters, faxes, emails, etc.).

36). The plaintiff(s) have even conceded in their filing(s) that:

"[B]rendan never accepted responsibility for the loss of funding investment and blamed - "[TONYA];"  
(See; Amended Complaint, Doc. 6 at ¶49 (emphasis added))

As stated, in Iqbar, supra, the Court determined that "[a] claim has factual plausibility when plaintiff plead factual content that allows the Court to draw the reasonable inference that the defendant (e.g., DALTON) is liable for the misconduct alleged;" (emphasis and defendant's name added).

37). Plaintiff(s) have failed to provide factual content that DALTON (individually) is liable for any misconduct of others on the basis that DALTON was [NOT] a "principal" of HAMILTON and has [NOT] been "blamed" for the misconduct of

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Footnote 3: According to Black's Law Dictionary, the term "principal" has the legal definition of: a person elected or appointed by the board of directors, or by the managing member, such as CEO, President, Secretary, Treasurer, etc.

of others; i.e., BRENDAN and TONYA. In fact, factual evidence demonstrates that DALTON has been in continuance custody of the BOP long before ATLAS or HAMILTON was formed and has remained in continuance custody long after both ATLAS and HAMILTON were dissolved; (See; Exhibit A, also see; paragraph one, supra). 38). Because the pleader has not "shown" - that DALTON (individually) is liable, by not being able to bring a factual claim thereof, pleader is not entitled to relief from DALTON; (See; Fed. R. Civ. P. Rule 8(A)(2). Thereby, the plaintiff(s) allegations that DALTON (individually) is liable is [WITHOUT] merit on the basis of law or fact.

V: SUMMARY OF DEFENDANT DALTON'S ANSWER

39). The plaintiff(s) have brought a cause of action in Federal court citing  
~~-4-~~  
 Federal criminal statutes violations to support their cause. Further, the plaintiff(s) have asserted that these alleged violations allow for criminal penalties under 18 U.S.C. § 1367. As stated, "[f]ederal courts have generally refused to recognize private actions derived from criminal statutes;" (See; Koreny, supra, at ¶16). In fact, the criminal statutes and their cited penalties at issue for jurisdiction, provide [NO] private right of enforcement; (See; Hous. Auth, supra, at ¶16 above). Lastly, In Barr, the court affirmed the dismissal of the Federal criminal statute's claim because the statute in question "[a]re not criminal offenses for which there is no civil remedy and therefore [plaintiff] lacked standing to bring them; (See; paragraph 17 above)(also see section A above).

40). The plaintiff(s) have also brought their cause of action under 28 U.S.C §1367 giving the Court jurisdiction over [state law] and [common law fraud] claims. However, as detailed in paragraph 13 through 23 above, the plaintiff(s) lack standing due to the fact that plaintiff(s) have failed to file their cause of action within the four-year statute of limitation under Texas Civil Practice & Remedies Code § 16.004 (Supp. 2000)(See; also section B, above).

41). MILLER seeks to [mis]lead the District Court by falsely proffering that "[B]RENDAN approached MILLER," as if it were a chance encounter in free society. When, in fact, MILLER and BRENDAN served, at the least, three (3) years of their Federal criminal conviction at the same Federal Correctional Institute in Beaumont, Texas, which encompasses the initiation of MILLER's alleged time-

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Footnote 4: See; Exhibit E, Civil Cover Sheet, VI - Cause of Action where it states: "[c]ite the U.S. civil statute under which you are filing." The only statutes cited are criminal - i.e., 18 U.S.C. § 1343, 18 U.S.C. § 1348, and 18 U.S.C. § 1349; also see; Venue and Jurisdiction, at ¶1 though ¶3, in Documents 1 and 6.

line of events. Plaintiff MILLER in filing the cause of action, has [conceded] that he - himself - has clearly violated BOP's rules and procedures and the provisions of his supervised release by having contact with known convicted felons, conducting business with known convicted felons without consent, and entering into an "Investment Agreement" with the same convicted felon, also without written consent; (See; section C, above).

42). In addition, in [mis]leading the Court in regards to HAMILTON's activities, the state of Texas had forfeited HAMILTON's charter on January 28, 2011. The Plaintiff(s) (i.e., STOKES) alleged that he entered into an "Investment Agreement" with BRENDAN in October of 2010; (See; Amended Complaint, Doc. 6 at ¶42). STOKES made a final monetary funding in December of 2011. This was a year (12 months) after HAMILTON "closed its doors" and dissolved. Plaintiff(s) conceded that HAMILTON went out of business "sometime in 2011" but wants the Court to believe that this was after receiving STOKES final funding.

43). Beyond all the false allegations of the plaintiff(s), one issue remains irrefutable: The plaintiff(s) have failed to prove a factual claim that defendant DALTON was a "principal" of any registered entity including that of the LLC - HAMILTON. Furthermore, record evidence demonstrates two facts: (1) DALTON was in Federal custody long before HAMILTON was formed (See; Exhibit A) and (2) DALTON was not a "principal" of HAMILTON in any of HAMILTON's required filings; (See; Exhibit C). In addition, DALTON's record evidence demonstrates that during the entire time the plaintiff(s) allegations were said to have occurred, DALTON has been in continuous custody of the BOP. Lastly, the plaintiff(s) have failed to make a factual claim that DALTON (individually) received [ANY] funds or compensation, they only allege that BRENDAN, himself, received the funding.

44). The stated allegations are that BRENDAN received funds from plaintiff(s); only BRENDAN communicated with the plaintiff(s); and they entered into an

"Investment Agreement" with ATLAS based on BRENDAN's business plan. With reference to HAMILTON, plaintiff(s) only allege that it was BRENDAN who "blamed" TONYA - (HAMILTON's only principal) for the misconduct. Nevertheless, record evidence demonstrates that DALTON was [NOT] a "principal" in any capacity, of HAMILTON and therefore DALTON (individually) CAN NOT be held responsible or liable for HAMILTON's alleged activities on the basis of law or fact.

45). Further still, MILLER was convicted of a financial crime and sentenced by this very Court. The delayed filing of his action is a poorly veiled and calculated attempt to circumvent the rules and restrictions of his imposed period of supervised release. MILLER, fully aware that his unauthorized business activities with a convicted felon (i.e., BRENDAN) were a clear violation of the conditions of his supervised release, knew that if his clandestine dealings were revealed to his probation officer he ran the very real risk of having his supervised release revoked and being remanded back to the custody of the BOP. Therefore, this Court, of all courts, should not reward the temerity of his deceptive conduct by providing forum for his fact deprived and frivolous lawsuit.

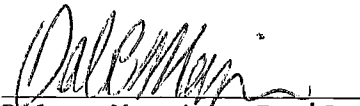


**VI: CONCLUSION**

46). The plaintiff(s) have essentially filed an untimely and baseless narrative which is devoid of evidence and punctuated by conjecture, supposition, and unfounded allegations. Consequently, and for all the reasons previously cited above, defendant DALTON (individually) is not liable for any misconduct allegedly perpetrated by either BRENDAN, ATLAS, or HAMILTON because he (individually) was not a party to any contract or agreement among the plaintiff(s); he did not receive plaintiff(s) funds; and he was not a "principal" of any entity involved in the Complaint.

Respectfully submitted on this the 25th day of July, 2014 by and for

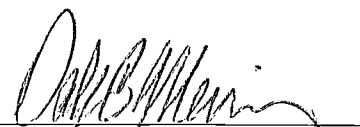
DALTON MENZIES

Signature: 

Dalton Menzies, Pro'Se  
Reg. No. 16540-179  
F.C.I. Big Spring  
1900 Simler Avenue  
Big Spring, TX 79720

**DECLARATION**


I, DALTON MENZIES, under the pains and penalties of perjury (28 U.S.C. 1746) certify that the facts and case citations contained in this "Answer" are true and correct to my own personal knowledge.

Signature: 

Dalton Menzies

CERTIFICATE OF SERVICE

I, DALTON MENZIES, hereby certify that I have placed a true and correct copy of the above-styled motion (i.e., Defendant Dalton Menzies' Answer to Complaint) and mailed said motion to the U.S. District Court and the Plaintiff. All party(s) of records will receive notice of the filing through the United States District Court's electronic data base. This motion ("answer") was delivered to prison authorities for forwarding on this the 25th day of July, 2014 which is deemed filed with the Court at that time; (See; Houston Vs. Lack, 101 L. Ed. 266 (1988)).

Signature: 

Dalton Menzies, Pro Se  
Reg. No. 16540-179  
F.C.I. Big Spring  
1900 Simler Avenue  
Big Spring, TX 79720

The Plaintiff(s) are as follows:

Sent by Certified Mail  
7012 2920 0002 2714 3582  
Mr. David S. Grantham  
Attorney at Law  
Attorney Service of Louisiana, Inc.  
18601 LBJ Freeway, Suite 725  
Mesquite, TX 75150

Civil Action No. A-14-cv-0568-SS

Defendant Dalton Menzies' Answer

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**EXHIBIT A**

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BIGFA 540\*23 \*  
PAGE 004 OF 004 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-20-2012

\* 07-16-2014  
\* 15:14:34

REGNO...: 16540-179 NAME: MENZIES, DALTON CHRISTIA

-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-11-2011 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 04-15-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
PRIOR COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 11-01-2005  
TOTAL TERM IN EFFECT.....: 90 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 7 YEARS 6 MONTHS  
EARLIEST DATE OF OFFENSE.....: 12-09-2004

JAIL CREDIT.....: FROM DATE THRU DATE  
12-09-2004 10-31-2005

TOTAL PRIOR CREDIT TIME.....: 327  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 139  
TOTAL GCT EARNED.....: 139  
STATUTORY RELEASE DATE PROJECTED: 01-20-2012  
EXPIRATION FULL TERM DATE.....: 06-07-2012  
TIME SERVED.....: 7 YEARS 1 MONTHS 12 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 94.9

ACTUAL SATISFACTION DATE.....: 01-20-2012  
ACTUAL SATISFACTION METHOD.....: GCT REL  
ACTUAL SATISFACTION FACILITY....: CHN  
ACTUAL SATISFACTION KEYED BY....: LMH

DAYS REMAINING.....: 139  
FINAL PUBLIC LAW DAYS.....: 0

REMARKS.....: 04/15/08 CERTIFIED COMP/RCJ/B

G0000 TRANSACTION SUCCESSFULLY COMPLETED

DALTON's ANSWER  
EXHIBIT A, p.1

BIGFA 540\*23 \*  
PAGE 003 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-20-2012

\* 07-16-2014  
\* 15:14:34

REGNO...: 16540-179 NAME: MENZIES, DALTON CHRISTIA

FBI NO.....: 313448KA4                      DATE OF BIRTH: 03-31-1966    AGE:    48  
ARS1.....: BIG/A-DES  
UNIT.....: SUNSET                      QUARTERS.....: S03-064U  
DETAINERS.....: NO                      NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 07-20-2011

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 01-20-2012 VIA GCT REL

REMARKS.....: RELEASE AUDIT COMPLETED ON 01-12-2011 BY DSCC

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TEXAS, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:05CR00008-001  
JUDGE.....: HITNER  
DATE SENTENCED/PROBATION IMPOSED: 11-01-2005  
DATE COMMITTED.....: 01-27-2006  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO                      AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 391  
OFF/CHG: CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE N-<>  
BENZYLPIPERAZINE (BZP) 21USC 841(A)(1), 841(B)(1)(C) & 846

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 90 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS  
DATE OF OFFENSE.....: 12-09-2004

G0002                      MORE PAGES TO FOLLOW . . .

**DALTON's ANSWER  
EXHIBIT A, p. 2**

BIGFA 540\*23 \*  
PAGE 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 07-16-2014

\* 07-16-2014  
\* 15:14:34

REGNO...: 16540-179 NAME: MENZIES, DALTON CHRISTIA

-----CURRENT COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 09-20-2013 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 09-20-2013 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 020: 020 010

DATE COMPUTATION BEGAN.....: 07-29-2013  
TOTAL TERM IN EFFECT.....: 46 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 3 YEARS 10 MONTHS  
EARLIEST DATE OF OFFENSE.....: 07-31-2010

JAIL CREDIT.....: FROM DATE THRU DATE  
01-21-2012 07-28-2013

TOTAL PRIOR CREDIT TIME.....: 555  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 180  
TOTAL GCT EARNED.....: 108  
STATUTORY RELEASE DATE PROJECTED: 05-24-2015  
EXPIRATION FULL TERM DATE.....: 11-20-2015  
TIME SERVED.....: 2 YEARS 5 MONTHS 25 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 64.8

PROJECTED SATISFACTION DATE.....: 05-24-2015  
PROJECTED SATISFACTION METHOD....: GCT REL

G0002 MORE PAGES TO FOLLOW . . .

DALTON's ANSWER  
EXHIBIT A, p. 3

Civil Action No. A-14-cv-0568-SS

Defendant Dalton Menzies' Answer

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**EXHIBIT B**

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UNITED STATES OF AMERICA, Plaintiff-Appellee v. STEPHEN P. MILLER, Defendant-Appellant  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT  
520 F.3d 504; 2008 U.S. App. LEXIS 5745; 2008-1 U.S. Tax Cas. (CCH) P50,237; 101 A.F.T.R.2d  
(RIA) 1305  
No. 06-11078  
March 18, 2008, Filed

**Editorial Information: Subsequent History**

US Supreme Court certiorari denied by Miller v. United States, 129 S. Ct. 185, 172 L. Ed. 2d 131, 2008 U.S. LEXIS 7428 (U.S., 2008) Magistrate's recommendation at, Post-conviction proceeding at Miller v. United States, 2009 U.S. Dist. LEXIS 75213 (N.D. Tex., Aug. 7, 2009)

**Editorial Information: Prior History**

Appeal from the United States District Court for the Northern District of Texas.

**Counsel** For UNITED STATES OF AMERICA, Plaintiff - Appellee: Vicki H Lamberson, Assistant US Attorney, US Attorney's Office, Northern District of Texas, Amarillo, TX; Marc Woodson Barta, US Attorney's Office, Northern District of Texas, Dallas, TX; Nancy E Larson, Assistant US Attorney, Nancy E Larson, Assistant US Attorney, US Attorney's Office, Northern District of Texas, Fort Worth, TX.

For STEPHEN MILLER, Defendant - Appellant: Charles Howard Portz, Portz & Portz, Houston, TX.

**Judges:** Before HIGGINBOTHAM, DAVIS, and SMITH, Circuit Judges.

**CASE SUMMARY**

**PROCEDURAL POSTURE:** Defendant appealed a judgment of conviction entered by the United States District Court for the Northern District of Texas after a jury found defendant guilty of tax evasion in violation of 26 U.S.C.S. § 7201. There was sufficient evidence to prove defendant guilty of tax evasion under 26 U.S.C.S. § 7201 because when he submitted an offer of compromise to the IRS stating that there were no available assets, he believed that he had one million dollars put away overseas and willfulness was shown by admissions in recorded calls and statements made to IRS.

**OVERVIEW:** Defendant transferred an individual retirement account to a shell company under the guise of repaying a loan. He then made an offer in compromise to the Internal Revenue Service (IRS) to settle tax liabilities stating that there were no available assets except for a minimal amount and not revealing that he believed that he had over one million dollars overseas. Defendant challenged the sufficiency of the evidence, evidentiary rulings, and alleged Brady error. He also contended that the indictment was duplicitous. On review, the court affirmed, finding no reversible error. There was sufficient evidence to prove a violation of § 7201 and for the jury to conclude that when defendant submitted the offer to the IRS, he believed that he had one million dollars put away overseas. The government introduced sufficient evidence to support a finding of willfulness including admissions made by defendant during a recorded phone call, statements made to the IRS, and other documentary evidence. Further, any errors made in evidentiary rulings were harmless because the evidence of guilt was substantial and the jury's determination would not have been affected.

**OUTCOME:** The court affirmed defendant's conviction.

A05\_11CS

DALTON'S ANSWER  
EXHIBIT B, p. 1



Civil Action No. A-14-cv-0568-SS

Defendant Dalton Menzies' Answer

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**EXHIBIT C**

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**BUSINESS ORGANIZATION:** [https://direct.sos.state.tx.us/corp\\_inquiry/corp\\_inquiry-entity.asp?space=docs&spacefrom=8&filing\\_number=801008695&document\\_number=5530167700058&pagecount=1&item\\_type\\_id=10](https://direct.sos.state.tx.us/corp_inquiry/corp_inquiry-entity.asp?space=docs&spacefrom=8&filing_number=801008695&document_number=5530167700058&pagecount=1&item_type_id=10)

**TEXAS SECRETARY OF STATE**  
**NANDITA BERRY**  
 TSC - Business Organizations - Trademarks - Notary - Account - Helpdesk - Breakease - Logout

**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 801008695 **Entity Type:** Domestic Limited Liability Company (LLC)  
**Original Date of Filing:** July 25, 2008 **Entity Status:** Forfeited existence  
**Tax ID:** N/A  
**Duration:** Perpetual  
**Name:** Hamilton Commodities Group LLC  
**Address:** 1420 MARIHA BAY DR APT 715  
 KENNESAW, TX 77565-2279 USA

**PLUS HISTORY**

View Image	Document Number	Filing Type	Filing Date	Effective Date	Eff. Cond	Page Count
	2332212002	Certificate of Formation	July 25, 2008	July 25, 2008	10	1
	3167957001	Public Information Report (PIR)	December 31, 2009	July 21, 2010	10	1
	328414670001	Public Information Report (PIR)	December 31, 2010	October 24, 2010	10	1
	35368555154	Tax Forfeiture	January 28, 2011	January 25, 2011	10	1
	374146250001	Reversal of Tax Forfeiture	June 28, 2011	June 28, 2011	10	1
	415177260501	Change of Filing or Address by Registered Agent	March 28, 2012	March 28, 2012	10	1
	465237776501	Tax Forfeiture	February 6, 2013	February 6, 2013	10	1

**Order**

**Instructions**  
 To place an order for additional information about a filing press the 'Order' button.

**DALTON's ANSWER**  
**EXHIBIT C p. 1**

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709



**Certificate of Formation  
Limited Liability Company**

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 801008695 07/25/2008  
Document #: 223522120002  
Image Generated Electronically  
for Web Filing

Filing Fee: \$300

**Article 1 - Entity Name and Type**

The filing entity being formed is a limited liability company. The name of the entity is:

**Hamilton Commodities Group, LLC**

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

**Article 2 - Registered Agent and Registered Office**

☒ A. The initial registered agent is an organization (cannot be company named above) by the name of:

**National Registered Agents, Inc.**

OR

☐ B. The initial registered agent is an individual resident of the state whose name is set forth below:

C. The business address of the registered agent and the registered office address is:

Street Address:

**16055 Space Center, Suite 235 Houston TX 77062**

**Article 3 - Governing Authority**

☐ A. The limited liability company is to be managed by managers.

OR

☒ B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: **Tonya R. Menzies**

Title: **Managing Member**

Address: **5090 Richmone Ave. #241 Houston TX, USA 77056**

**Article 4 - Purpose**

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

**Supplemental Provisions / Information**

[The attached addendum, if any, is incorporated herein by reference.]

**DALTON's ANSWER  
EXHIBIT C p. 2**

**Organizer**

The name and address of the organizer are set forth below.

**Tania Lemus**      **7083 Hollywood Blvd., Ste. 180, Los Angeles, CA 90028**

**Effectiveness of Filing**

☒ A. This document becomes effective when the document is filed by the secretary of state.

**OR**

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

**Tania Lemus, Legalzoom.com, Inc.**

Signature of Organizer

FILING OFFICE COPY

00005948815

## TEXAS FRANCHISE TAX PUBLIC INFORMATION REPORT

Comptroller of Public Accounts  
FORM 05-102 (9-09/29)

Tcode 13196

To be filed by Corporations, Limited Liability Companies (LLC) and Financial institutions  
This report MUST be signed and filed to satisfy franchise tax requirements☒ Taxpayer number

3 | 2 | 0 | 3 | 7 | 5 | 9 | 4 | 8 | 7 | 9 |

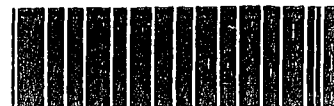
☒ Report year

2 | 0 | 0 | 9 |

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at: (512) 463-4600, or (800) 252-1381, toll free nationwide.

Taxpayer name  
HAMILTON COMMODITIES GROUP LLC  
Mailing address  
2600 SOUTH SHORE BLVD., SUITE 300  
City  
LEAGUE CITYState  
TXZIP Code  
77573Plus 4  
2944Secretary of State file number or  
Comptroller file number  
801008695☐ Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.Principal office  
2600 SOUTH SHORE BLVD., SUITE 300; LEAGUE CITY, TEXAS 77573Principal place of business  
SAME*Please sign below!*

Officer, director and member information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or members change throughout the year.



3203759487909

## SECTION A Name, title and mailing address of each officer, director or member.

Name	Title	Director <input type="radio"/> YES	Term expiration State	m	m	d	d	y	y
Mailing address	City		ZIP code						
Name	Title	Director <input type="radio"/> YES	Term expiration State	m	m	d	d	y	y
Mailing address	City		ZIP code						
Name	Title	Director <input type="radio"/> YES	Term expiration State	m	m	d	d	y	y
Mailing address	City		ZIP code						

## SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of ten percent (10%) or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership

## SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of ten percent (10%) or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership
---	--------------------	-------------------------------	-------------------------

Registered agent and registered office currently on file. (See instructions if you need to make changes)

Agent: NRAI

Office: 16055 SPACE CENTER, SUITE 235

City  
HOUSTONState  
TXZIP Code  
77062

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or member and who is not currently employed by this, or a related, corporation or limited liability company.

sign here

Title  
PRESIDENT

Date

3/31/10

Area code and phone number  
(832) 266-7779

VE/DE

PIR IND



TEXAS FRANCHISE TAX PUBLIC INFORMATION REPORT

To be filed by Corporations and Limited Liability Companies (LLC) and Financial Institutions  
This report MUST be signed and filed to satisfy franchise tax requirements



05-102  
Comptroller of Public Accounts  
Form 01-99-29

Tcode 13196

Taxpayer number

3 2 0 3 7 5 9 4 8 7 9

Report year

2 0 1 0

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at: (512) 463-4600, or (800) 252-1381, toll free nationwide.

Taxpayer name

Hamilton Commodities Group LLC

Mailing address

2600 South Shore Blvd., Suite 300

City

League City

State

TX

ZIP Code

77573

Plus 4

2944

Secretary of State file number or  
Comptroller file number

801008695

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office

2600 South Shore Blvd., Suite 300; League City, TX. 77573

Principal place of business

same

Please sign below!

Officer, director and member information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or members change throughout the year.



SECTION A Name, title and mailing address of each officer, director or member.

Name	Title	Director	Term expiration	State	ZIP code
		<input type="radio"/> YES			
Mailing address	City				
Name	Title	Director	Term expiration	State <td>ZIP code</td>	ZIP code
		<input type="radio"/> YES			
Mailing address	City				
Name	Title	Director	Term expiration	State <td>ZIP code</td>	ZIP code
		<input type="radio"/> YES			
Mailing address	City				

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of ten percent (10%) or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of ten percent (10%) or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of Ownership

Registered agent and registered office currently on file. (See instructions if you need to make changes)

Agent: NRE

Office: 16055 Space Center Ste 235

City

Houston

State

TX

ZIP Code

77062

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or member and who is not currently employed by this, or a related, corporation or limited liability company.

Sign here

[Signature]

Title

President

Date

8/13/10

Area code and phone number

(888) 671-5550

VE/DE

☐

PIR IND

☐



Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Hope Andrade  
Secretary of State

**Forfeiture pursuant to Section 171.309 of the Texas Tax Code  
of  
Hamilton Commodities Group, LLC**

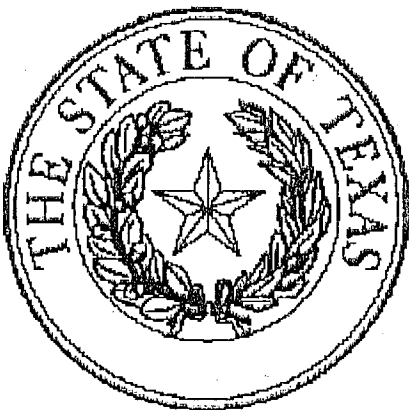
File Number : 801008695

Certificate / Charter forfeited : January 28, 2011

The Secretary of State finds that:

1. The Secretary has received certification from the Comptroller of Public Accounts under Section 171.302 of the Texas Tax Code indicating that there are grounds for the forfeiture of the taxable entity's charter, certificate or registration; and
2. The Comptroller of Public Accounts has determined that the taxable entity has not revived its forfeited privileges within 120 days after the date that the privileges were forfeited.

Therefore, pursuant to Section 171.309 of the Texas Tax Code, the Secretary of State hereby forfeits the charter, certificate or registration of the taxable entity as of the date noted above and records this notice of forfeiture in the permanent files and records of the entity.



A handwritten signature in black ink, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

**DALTON's ANSWER  
EXHIBIT C p. 6**

Come visit us on the Internet @<http://www.sos.state.tx.us/>

Civil Action No. A-14-cv-0568-SS

Defendant Dalton Menzies' Answer

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**EXHIBIT D**

---



BUSINESS ORGANIZATION: [x](#)

[https://direct.sos.state.tx.us/corp\\_inquiry/corp\\_inquiry\\_entity.asp?space=docs&spacefrom=8&filing\\_number=801195991&document\\_number=553016770002&ngcurrent=1&order\\_item\\_type\\_id=10](#)

**TEXAS SECRETARY OF STATE**  
**NANDIA BERRY**

Business Organizations - Trademarks - Registry - Account - Help/Feedback - Logout

**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

Filing Number: 801195991 Entity Type: Domestic Limited Liability Company (LLC)  
 Original Date of Filing: November 19, 2009 Entity Status: Forfeited existence  
 Formation Date: N/A  
 Tax ID: 32040709191 FEIN:  
 Duration: Perpetual  
 Name: Alias IP Holdings, LLC  
 Address: 9357 COPPER LAKE  
 WEST JORDAN, UT 84080 USA

View Image	Document Number	Filing Type	Filing Date	Effective Date	Eff. Cond	Page Count
	205118730002	Certificate of Formation	November 19, 2009	November 10, 2009	16	1
	32452750001	Public Information Report (PIR)	December 31, 2010	November 24, 2010	16	1
	43320750756	Tax Forfeiture	July 27, 2012	July 27, 2012	16	1
	441391530001	Public Information Report (PIR)	December 31, 2012	August 31, 2012	16	1

Instructions  
 To place an order for additional information about a filing press the 'Order' button.

DALTON's ANSWER  
 EXHIBIT D, p. 1

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709



**Certificate of Formation  
Limited Liability Company**

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 801195991 11/19/2009  
Document #: 285119780002  
Image Generated Electronically  
for Web Filing

Filing Fee: \$300

**Article 1 - Entity Name and Type**

The filing entity being formed is a limited liability company. The name of the entity is:

**Atlas IP Holdings, LLC**

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

**Article 2 - Registered Agent and Registered Office**

☐ A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

☒ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Michelle Louise Worthington**

C. The business address of the registered agent and the registered office address is:

Street Address:

**402 Village LN Buda TX 78610**

**Article 3 - Governing Authority**

☐ A. The limited liability company is to be managed by managers.

OR

☒ B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: **Michelle Louise Worthington**

Title: **Managing Member**

Address: **402 Village Lane Buda TX, USA 78610**

Managing Member 2: **Brendan J Worthington**

Title: **Managing Member**

Address: **402 Village Lane Buda TX, USA 78610**

**Article 4 - Purpose**

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

**Supplemental Provisions / Information**

DALTON's ANSWER  
EXHIBIT D, P. 2

[The attached addendum, if any, is incorporated herein by reference.]

**Organizer**

The name and address of the organizer are set forth below.

**Michelle Worthington**      **402 Village Ln, Buda Texas 78610**

**Effectiveness of Filing**

☐ A. This document becomes effective when the document is filed by the secretary of state.

**OR**

☒ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is: **November 20, 2009**

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

**Michelle Worthington**

Signature of Organizer

FILING OFFICE COPY

**DALTON's ANSWER  
EXHIBIT D, P. 3**

00007283766

Filing Number: 801195991

TX2010

Ver. 1.0 05.102  
(9-09/29)

## TEXAS FRANCHISE TAX PUBLIC INFORMATION REPORT

To be filed by Corporations, Limited Liability Companies (LLCs) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

Tcode 13196

☒ Taxpayer number

32040709191

☒ Report year

2010

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at: (512) 463-4600, or (800) 252-1381, toll free nationwide.

Taxpayer name

Atlas IP Holdings, LLC

Mailing address

402 Village Lane

City

Buda

State  
TXZIP Code  
78610

Plus 4

Secretary of State file number or  
Comptroller file number

801195991

☐ Check box if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office

402 Village Lane, Buda, TX 78610

Principal place of business

402 Village Lane, Buda, TX 78610

Please sign below!

Officer, director, and member information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or members change throughout the year.



3204070919110

## SECTION A Name, title and mailing address of each officer, director or member.

Name

Title

Director

m m d d y y

Michelle Louise Worthington

MBR

☐ Yes Term expiration

Mailing address

City

State

ZIP Code

402 Village Ln

Buda

TX

78610

Name

Title

Director

m m d d y y

Mailing address

City

State

ZIP Code

Name

Title

Director

m m d d y y

Mailing address

City

State

ZIP Code

## SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of ten percent (10%) or more.

Name of owned (subsidiary) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of Ownership

Name of owned (subsidiary) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of Ownership

## SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of ten percent (10%) or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of Ownership

Registered agent and registered office currently on file. (See instructions if you need to make changes)

Agent: Michelle Louise Worthington

☐ Check box if you need forms to change the registered agent or registered office information.

Office:

402 Village Ln

City

Buda

State

TX

ZIP Code

78610

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or member and who is not currently employed by this, or a related, corporation or limited liability company.

sign  
here

Michelle Louise Worthington

Title

LLC Manager

Date

7/17/10

Area code and phone number

512-659-0627

Texas Comptroller Official Use Only

VE/DE ☐ PIR IND ☐DALTON's ANSWER  
EXHIBIT D, p. 4



122133008630

TX2012

Ver. 3.1 05-102  
(Rev.9-11/30)

☒ Ycode 13196

### Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

☒ Taxpayer number

32040709191

☒ Report year

2012

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

Taxpayer name  
Atlas IP Holdings, LLC

Mailing address  
9357 Copper Lane

City  
West Jordan

State  
UT

ZIP Code  
84088

Plus 4

Secretary of State (SOS) file number or  
Comptroller file number

801195991

☐ Check box if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office

9357 Copper Lane, West Jordan, UT 84088

Principal place of business

9357 Copper Lane, West Jordan, UT 84088

Please sign below!

Officer, director and member information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or members change throughout the year.



3204070919112

#### SECTION A Name, title and mailing address of each officer, director or member.

Name

Title

Director

m m d d y y

Michelle Louise Worthington

MBR

Mailing address

9357 Copper Lane

Name

Title

Director

m m d d y y

Mailing address

City

Director

m m d d y y

Name

Title

Director

m m d d y y

Mailing address

City

Director

m m d d y y

#### SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of ownership

Name of owned (subsidiary) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of ownership

#### SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company

State of formation

Texas SOS file number, if any

Percentage of ownership

Registered agent and registered office currently on file. (See instructions if you need to make changes)

Agent: Michelle Louise Worthington

Office:

402 Village Ln

City

Buda

☐ Check box if you need forms to change the registered agent or registered office information.

State

TX

ZIP Code

78610

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or member and who is not currently employed by this, or a related, corporation or limited liability company.

Sign here

Michelle Louise Worthington Partner

Title

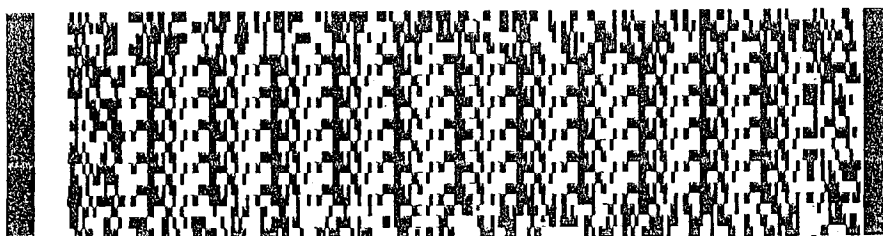
Date

7/26/12

Area code and phone number

(512) 659-0627

Texas Comptroller Official Use Only



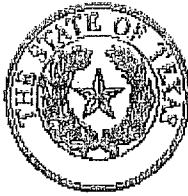
VE/DE

PIR IND



DALTON's ANSWER 1032  
EXHIBIT D, p. 5

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Hope Andrade  
Secretary of State

**Forfeiture pursuant to Section 171.309 of the Texas Tax Code  
of  
Atlas IP Holdings, LLC**

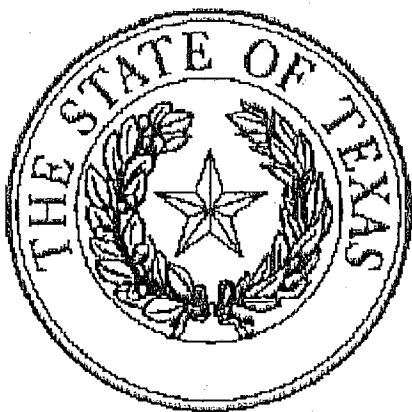
File Number : 801195991

Certificate / Charter forfeited : July 27, 2012

The Secretary of State finds that:

1. The Secretary has received certification from the Comptroller of Public Accounts under Section 171.302 of the Texas Tax Code indicating that there are grounds for the forfeiture of the taxable entity's charter, certificate or registration; and
2. The Comptroller of Public Accounts has determined that the taxable entity has not revived its forfeited privileges within 120 days after the date that the privileges were forfeited.

Therefore, pursuant to Section 171.309 of the Texas Tax Code, the Secretary of State hereby forfeits the charter, certificate or registration of the taxable entity as of the date noted above and records this notice of forfeiture in the permanent files and records of the entity.



A handwritten signature in black ink, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

**DALTON's ANSWER  
EXHIBIT D, p. 6**

Come visit us on the Internet @<http://www.sos.state.tx.us/>

Civil Action No. A-14-cv-0568-SS

Defendant Dalton Menzies' Answer

---

**EXHIBIT E**

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JS 44 (Rev. 12/12)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Brownsville Emergency Physicians Group, LLC and Miller, Stephen P

(b) County of Residence of First Listed Plaintiff Pima County, Arizona  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Attorney Service of Louisiana, Inc.  
18601 LBJ Freeway, Suite 725  
Mesquite, TX 75150

## DEFENDANTS

Worthington, Brendan J individually and d/b/a Atlas IP Holdings, LLC;  
Menzies, Dalton C individually and d/b/a Hamilton Commodities;  
Crowell, Ralph E individually and d/b/a Glines & Rhodes, Inc.;

County of Residence of First Listed Defendant Hays County, Texas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

A14CV0568 SS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>FAMILY</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 USC Sections 1343, 1348 and 1349

Brief description of cause:

Defendants, among other tortious acts, used the streams of interstate commerce to commit commodities fraud

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

29,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/17/2014.

SIGNATURE OF ATTORNEY OF RECORD

David S. Abramson

FOR OFFICE USE ONLY

RECEIPT

100021327

AMOUNT

\$400.00

APPLYING IFP

JUDGE

Sparks

DALTON's ANSWER  
EXHIBIT E, p. 1

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